

CITY OF EL PASO, TEXAS
DEPARTMENT HEAD'S SUMMARY REQUEST FOR COUNCIL ACTION (RCA)

DEPARTMENT: Building Permits & Inspections

AGENDA DATE: May 17, 2005

CONTACT PERSON/PHONE: R. Alan Shubert, P.E.

DISTRICT(S) AFFECTED: N/A

SUBJECT:

APPROVE a resolution / ordinance / lease to do what? OR AUTHORIZE the City Manager to do what?
Be descriptive of what we want Council to approve. Include \$ amount if applicable.

An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.02 (General Provisions and Definitions) to add 20.02.722 (Secondary Advertising Signs), and also by amending Chapter 20.66 (Signs), Sections 20.66.100 (Sign Permit Fee Formula), 20.66.130 (Prohibited Signs), and 20.66.300 (Commercial, Manufacturing, and Industrial Uses – C-1, C-2, C-3, C-4, M-1, M-2, P-C, M-3 and Q Districts). The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

BACKGROUND / DISCUSSION:

Discussion of the what, why, where, when, and how to enable Council to have reasonably complete description of the contemplated action. This should include attachment of bid tabulation, or ordinance or resolution if appropriate. What are the benefits to the City of this action?

An Ordinance amending Title 20 (Zoning) of the El Paso Municipal Code, by amending Chapter 20.02 (General Provisions and Definitions) to add 20.02.722 (Secondary Advertising Signs), and also by amending Chapter 20.66 (Signs), Sections 20.66.100 (Sign Permit Fee Formula), 20.66.130 (Prohibited Signs), and 20.66.300 (Commercial, Manufacturing, and Industrial Uses – C-1, C-2, C-3, C-4, M-1, M-2, P-C, M-3 and Q Districts). The penalty is as provided in Chapter 20.68 of the City of El Paso Municipal Code.

PRIOR COUNCIL ACTION:

Has the Council previously considered this item or a closely related one? If so, when?

N/A

AMOUNT AND SOURCE OF FUNDING:

How will this item be funded? Has the item been budgeted? If so, identify funding source by account numbers and description of account. Does it require a budget transfer?

N/A

BOARD / COMMISSION ACTION:

Enter appropriate comments or N/A

N/A

*****REQUIRED AUTHORIZATION*****

LEGAL: (if required) _____ **FINANCE:** (if required) _____

OTHER:

(Example: if RCA is initiated by Purchasing, client department should sign also)

Information copy to appropriate Deputy City Manager

APPROVED FOR AGENDA:

CITY MANAGER: _____ **DATE:** _____

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 20 (ZONING) OF THE EL PASO MUNICIPAL CODE, BY AMENDING CHAPTER 20.02 (GENERAL PROVISIONS AND DEFINITIONS) TO ADD 20.02.722 (SECONDARY ADVERTISING SIGNS), AND ALSO BY AMENDING CHAPTER 20.66 (SIGNS), SECTIONS 20.66.100 (SIGN PERMIT FEE FORMULA), 20.66.130 (PROHIBITED SIGNS) AND 20.66.300 (COMMERCIAL, MANUFACTURING, AND INDUSTRIAL USES-C-1, C-2, C-3, C-4, M-1, M-2, P-C, M-3 AND Q DISTRICTS). THE PENALTY IS AS PROVIDED IN CHAPTER 20.68 OF THE CITY OF EL PASO MUNICIPAL CODE.

WHEREAS, the zoning regulations of the City of El Paso have been established for the purpose of promoting the health, safety, morals and general welfare of its citizens; and

WHEREAS, Chapter 20.66 (Signs), Article IV, is intended to authorize on premise advertising in a manner that reflects the need for business advertising in consideration of community aesthetics and safety concerns; and

WHEREAS, the El Paso City Council finds that the proposed amendments as herein provided will, by allowing increases in community access to information regarding businesses, have a positive impact upon the public health, safety, morals, and general welfare of the City.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

- 1. That Chapter 20.02 (General provisions and definitions) is hereby amended by adding a definition for secondary advertising signs which shall state as follows:**

20.02.772 Sign, secondary advertising

“secondary advertising sign” means an on premise sign placed on private property which meets clear standards for sizing and placement, is intended for on premise advertising of goods and services, and does not count toward maximum on premise advertising square footage allocations.

- 2. That Chapter 20.66, Section 20.66.100 (Sign permit fee formula) is hereby amended by adding 20.66.100.F which shall state as follows:**

20.66.100.F Secondary advertising signs

Secondary advertising signs shall require a permit application fee of twenty-dollars plus an additional fee of ten dollars for each sign permitted. However, no application fee and no permit

fee for any secondary advertising sign shall be required for any application received prior to the expiration of 120 days following enactment of this ordinance.

3. That Chapter 20.66, Section 20.66.130 (Prohibited signs) is hereby deleted in its entirety and replaced as follows:

20.66.130 Prohibited signs.

Unless otherwise expressly permitted by this code, all signs shall be prohibited, including but not limited to the following:

- A. Any signs and supports, other than those signs and supports required by governmental authority, or for which street use licenses have been issued or signs which have been reviewed and approved by the traffic engineer as part of the Adopt a Median program, which are located on the public right-of-way, including on public streets, alleys, medians and parkways. This section shall not apply to signs on commercial vehicles or commercial trailers lawfully operated or parked in such areas, unless the primary use of such vehicles or trailers is for advertising.
- B. Twirling signs, sandwich or A-frame signs, combustible or helium gas-filled temporary inflatable signs, sidewalk or curb signs.
- C. Any sign which resembles an official traffic sign or signal which bears the words "Stop," "Go," "Slow," "Caution," "Danger," "Warning" or similar words, or which bear symbols communicating similar meanings in a manner which causes the sign to appear to be an official traffic sign.
- D. Signs which, by reason of their size, location, movement, content, coloring or manner of illumination, may be confused with or construed to be a traffic control sign, signal or device, or the light of an emergency or road equipment vehicle, or which hide from view any traffic or street sign or signal or device.
- E. Signs which are erected or maintained upon trees, painted or drawn upon rocks or other natural features.
- F. Off-premise wall signs and off-premise billboards, except for relocation of existing billboards to new sites in accordance with the provisions of this chapter.
- G. Any portable sign that is electrical or is more than seven feet in height including supporting structure. Portable signs are prohibited in all residential zones (excepting schools and churches).
- H. Off-premise portable signs.
- I. Roof signs, except, roof signs that extend above the roof plane not more than three feet nor more than fifty percent of the face area of the sign.
- J. Satellite dishes, operable or inoperable, as signs.

K. Any banner, handbill, advertisement, notice, circular poster, piece of paper, figure, word, or letter, or any other kind of sign printed, painted, cut, branded, stamped, marked, written, posted, pasted, installed, or affixed in any way upon any utility post or stand, upon traffic control signs or signals, or upon any public property, including but not limited to public buildings, sidewalks, parkways, easements and curbs. Provided however, that this prohibition shall not extend to the following signs:

1. Signs that satisfy the following requirements:
 - a. The sign is constructed of wood, metal, plastic, or hardboard material, or is entirely affixed to a background constructed of any of those materials,
 - b. The sign is located in the parkway,
 - c. The sign is a freestanding sign,
 - d. The sign is only in place between the hours of ten a.m. and seven p.m.,
 - e. The sign area is not larger than five square feet, and is not greater than thirty-six inches in any dimension,
 - f. The sign does not exceed thirty-six inches in height;
2. Any sign installed or affixed pursuant to authorization granted by a city ordinance, resolution, or other valid, official city authorization.

3. Secondary Advertising Signs.

L. Wall signs that extend beyond the wall line, except wall signs that extend beyond the wall line not more than three feet nor more than fifty percent of the face area of the sign.

M. Any billboard or sign not containing in a conspicuous place on the billboard or sign the name of the person erecting, constructing, owning or controlling the billboard or sign.

4. That Chapter 20.66, Section 20.66.300 is hereby deleted in its entirety and replaced as follows:

20.66.300 Commercial, manufacturing and industrial uses--C-1, C-2, P-C, C-3, C-4, M-1, M-2 and M-3 districts.

A. All signs permitted in Sections 20.66.260 through 20.66.290 of this chapter are also permitted.

B. Type. Business signs may be wall, freestanding, including monuments and monolithic signs, canopy, shingle, projecting, portable, auxiliary, Secondary Advertising Signs, or roof signs.

1. Wall signs, including projecting, awning or canopy, are permitted on building walls.

2. Freestanding signs (except for monuments and monolithic signs which do not obstruct views or infringe upon sight triangles at corner lots) must maintain eight feet clearance between the bottom edge of the sign and grade level.

3. Portable Signs. Portable signs are permitted as on-premise advertising signs.
 - a. Sign Area. Each portable sign shall not exceed a maximum sign area of sixty square feet.
 - b. Permit Required.
 - i. Portable signs may be used for a period not to exceed three hundred sixty-five days.
 - ii. Permits shall be issued subject to installation in a manner that sign stability is ensured while in use and subject to approved engineering to withstand the minimum wind load requirements of the city. The permit and inspection must be renewed immediately whenever a portable sign is seriously damaged or moved from its permitted location.
 - iii. written property owner authorization is required as part of a completed application.
 - c. Location.
 - i. Portable signs may be in the front yard, but no portion of the sign shall be closer than fifteen feet from the back of the curbline. If the front property line is located more than fifteen feet from the curbline, signs shall be erected within the property line and no portion of the sign shall extend beyond the property line.
 - ii. Portable signs shall be located a minimum of fifteen feet away from any driveway.
 - iii. On corner lots, portable signs shall not be located in the area of a triangle formed by the intersecting property lines and a diagonal line joining the property lines at points twenty feet from their intersection.
 - d. Spacing.
 - i. A portable sign must have a minimum of three hundred feet spacing from any other portable sign.
 - ii. A portable sign may be placed immediately adjacent to or not closer than fifty feet away from any freestanding sign.
 - e. Illumination. No illumination of any kind shall be permitted for portable signs.
4. Auxiliary Signs. Auxiliary signs may be placed in a window or flat against the wall of a building. Auxiliary signs shall not be counted against the total permitted sign area.
 - a. For uses classified in Section 20.08.203, free-standing auxiliary signs shall not exceed sixteen feet in height, and auxiliary signs shall not exceed twenty-five square feet in area per sign.
 - b. For all other uses, free-standing auxiliary signs shall not exceed three feet in height, and auxiliary signs shall not exceed ten square feet in area per sign.
5. Secondary Advertising Signs. Secondary Advertising Signs shall be free standing or attached to light fixtures on private property. Secondary Advertising Signs shall not be counted against the total permitted sign area.
 - a. Sign Area.
 - i. Each Secondary Advertising Sign shall maintain a minimum eight feet of clearance between the bottom of the sign and ground level
 - ii. No single Secondary Advertising Sign shall exceed a maximum height of eight feet and width of three feet on each side of the pole.
 - b. Permit Required.

- i. Secondary Advertising Signs may be used continuously and without interruption.
- ii. Permits shall be issued subject to installation in a manner that sign stability is ensured while in use and subject to approved engineering to withstand the minimum wind load requirements of the city as defined in the El Paso building code.
- i. Permits are permanent, require a standard permit fee, plus an additional fee per sign. Changes in location of Secondary Advertising Signs, but not sign facing, shall require a new permit.
- ii. Property owner authorization is required as part of a completed application.
- c. Spacing. A Secondary Advertising Sign must have a minimum of twenty-nine feet spacing from any other secondary advertising sign without regard to whether another Secondary Advertising Sign has been properly permitted by the same or another business.
- d. Illumination. No additional illumination of any kind shall be permitted for the purpose of illuminating Secondary Advertising Signs.

C. Single Tenant Buildings.

1. Freestanding Signs.

- a. Number.
 - i. A maximum of one freestanding sign per building or site, per street frontage, is permitted.
 - ii. In addition, car, boat, truck, recreational vehicle and similar dealerships selling vehicles manufactured by more than one manufacturer shall be allowed a separate freestanding sign for each manufacturer or service. The combined square footage for all such signs shall not exceed three hundred feet.
- b. Size. The maximum sign area for freestanding signs shall be as follows:
 - i. On a parcel of land less than one acre in size, two hundred square feet, except as provided in subparagraphs (b)(iii) and (b)(iv) below;
 - ii. On a parcel of land greater than one acre in size, two hundred fifty square feet except as provided in subparagraphs (b)(iii) and (b)(iv) below;
 - iii. On a parcel of land less than five acres in size that abuts a freeway, three hundred fifty square feet;
 - iv. On a parcel of land greater than five acres in size that abuts a freeway, four hundred fifty square feet;
 - v. Within fifty feet of R (Residential) districts, signs shall not exceed forty square feet in area;
 - vi. For car, boat, truck, recreational vehicle and similar dealerships, the combined square footage of all manufacturer freestanding signs shall not exceed three hundred square feet;
 - vii. For the El Paso International Airport, one thousand square feet.
- c. Height.
 - i. On freeways, thoroughfares within the primary system and principal roadways, signs shall not exceed forty-five feet above the grade of the freeway, thoroughfare or roadway regardless of the zoning district.
 - ii. Adjacent to all other streets, signs shall not exceed thirty-five feet in height unless otherwise provided for in this section.
 - iii. For the El Paso International Airport, signs shall not exceed forty feet in height, unless otherwise provided in this section.

- d. Location. A freestanding sign may be in the front yard but no portion of a sign shall be closer than fifteen feet from the back of the curblineline. If the property line is located more than fifteen feet from the curblineline, signs shall be erected within the property line, and no portion of a sign shall extend beyond the property line.
- e. Spacing. A freestanding sign must have a minimum of thirty-five feet spacing from any other freestanding sign except that a property owner may not be denied a permit for an on-premise sign solely because the sign cannot reasonably be placed to have thirty-five feet between it and a freestanding sign on adjacent property. Freestanding signs for car, boat, truck, recreational vehicle and similar dealerships shall not be required to maintain a thirty-five-foot spacing from any other freestanding sign.
- f. Illumination. Signs may be indirectly or internally illuminated with the light source not visible from the adjacent street or public right-of-way. No flashing or intermittent illumination shall be permitted except on electronically changeable copy signs.

2. Building Signs.

a. Number and Size.

- i. When the building frontage is forty feet or less, any number of wall, roof, projecting, awning or canopy signs are permitted, so long as the combined square footage for all such signs does not exceed two hundred square feet.
- ii. When the building frontage is more than forty feet, any number of wall, roof, projecting, awning or canopy signs are permitted, so long as the combined square footage for all such signs does not exceed two hundred square feet or forty percent of building frontage wall space, whichever is greater.
- iii. Within fifty feet of R (Residential) districts, signs shall not exceed forty square feet in size.

b. Location.

- i. Wall Signs. Wall signs, including canopy and awning signs, shall be erected in such a manner that building fenestration is not obscured and the architectural integrity is not altered. Wall signs shall not extend beyond the edges of the structure.
- ii. Projecting Signs. Double-faced projecting signs shall have a minimum eight feet of clearance between the bottom of the sign and ground level.
- iii. Roof Signs. The face or surface must be mounted parallel with the surface of the slope of the roof, either painted or attached. A minimum two-foot border between the sign and the edges of the roof must be maintained.
- iv. Canopy Signs shall not extend within one foot of any edge of the width or within six inches of the height of that canopy, or extend below the canopy.
- c. Illumination. Signs may be indirectly or internally illuminated with the light source not visible from the adjacent street or public right-of-way. No flashing or intermittent illumination shall be permitted except on electronically changeable copy signs.

3. Secondary Advertising Signs.

D. Shopping Centers.

1. Freestanding Signs.

a. Number.

- i. Shopping Center Identification Signs. Shopping centers are permitted one shopping center identification sign per street frontage.
 - ii. Movie Theater Signs. Movie theaters located in a shopping center are permitted one freestanding sign limited to movie theater use.
- b. Size.
 - i. Shopping Center Identification Signs. Shopping center identification signs shall not exceed three hundred square feet in area, except shopping centers situated on sites of five acres or more shall be allowed an identification sign within a maximum area of four hundred fifty square feet.
 - ii. Movie Theater Signs. In addition, movie theaters in a shopping center are permitted a maximum sign area of forty feet for one screen theaters. Twenty square feet per screen shall be allowed for multi-screen theaters, but in no event shall such sign exceed one hundred seventy-five square feet regardless of the number of screens for a multi-screen theater.
 - iii. Within fifty feet of R (Residential) districts, signs shall not exceed forty square feet in area.
- c. Height.
 - i. On freeways, thoroughfares within the primary system and principal roadways, freestanding shopping center signs shall not exceed forty-five feet above the grade of the freeway, thoroughfare or roadway, regardless of the zoning district.
 - ii. Adjacent to all other streets, shopping center freestanding signs shall not exceed thirty-five feet in height unless otherwise provided for in this section.
- d. Location. A sign may be in the front yard but no portion of a sign shall be closer than fifteen feet from the back of the curblin. If the property line is located more than fifteen feet from the curblin, signs shall be erected within the property line, and no portion of a sign shall extend beyond the property line.
- e. Spacing. A freestanding sign must have a minimum of thirty-five feet spacing from any other freestanding sign except that a property owner may not be denied a permit for an on-premises sign solely because the sign cannot reasonably be placed to have thirty-five feet between it and a freestanding sign on adjacent property.
- f. Illumination. Signs may be indirectly or internally illuminated with the light source not visible from the adjacent street or public right-of-way. No flashing or intermittent illumination shall be permitted except on electronically changeable copy signs.

2. Shopping Center Building Signs.

- a. Number and Size.
 - i. Where the building frontage is forty feet or less, any number of wall, roof, projecting, awning or canopy signs are permitted, so long as the combined square footage for all such signs does not exceed two hundred square feet.
 - ii. Where the building frontage is more than forty feet, any number of wall, roof, projecting, awning or canopy signs are permitted, so long as the combined square footage for all such signs does not exceed two hundred square feet or forty percent of the building frontage wall space, whichever is greater.
 - iii. One additional shingle sign per tenant may be permitted in shopping centers for business identification only, provided, that: such sign may not exceed six square feet in area; the bottom edge must not be more than one foot below the bottom edge of the

canopy; the end of the sign may not extend beyond any edge of the canopy; an eight-foot clearance must be maintained between the bottom edge of the sign and grade; and such sign must be placed perpendicular to the front wall of the building.

iv. Within fifty feet of R (Residential) districts, signs shall not exceed forty square feet in area.

b. Location.

i. Wall Signs. Wall signs, including canopy and awning signs, shall be erected in such a manner that building fenestration is not obscured and the architectural integrity of the building is not altered. Wall signs shall not extend beyond the edges of the structure.

ii. Projecting Signs. Double-faced wall signs must have a minimum eight feet clearance between the bottom of the sign and ground level, shall project four feet maximum from the building wall, and are not permitted at the intersection of building corners, except at right angles to a building front.

iii. Roof Signs. The face or surface must be mounted parallel with the surface of the slope of the roof, either painted or attached. A minimum two-foot border between the sign and the edges of the roof must be maintained.

iv. Canopy Signs shall not extend within one foot of any edge of the width or within six inches of the height of that canopy, or extend below the canopy.

c. Illumination. Signs may be indirectly or internally illuminated with the light source not visible from the adjacent street or public right-of-way. No flashing or intermittent illumination shall be permitted except on electronically changeable copy signs.

3. Secondary Advertising Signs

E. Detached Buildings in Shopping Centers.

1. Freestanding Signs.

a. Number. A detached building in a shopping center is permitted one freestanding sign.

b. Size.

i. The freestanding sign allowed for a detached building in a shopping center shall not exceed a maximum of two hundred square feet in sign area.

ii. Within fifty feet of R (Residential) districts, signs shall not exceed forty square feet in area.

c. Height.

i. On freeways, thoroughfares within the primary system and principal roadways, signs shall not exceed forty-five feet above the grade of the freeway, thoroughfare or roadway regardless of the zoning district.

ii. Adjacent to all other streets, signs shall not exceed thirty-five feet in height.

d. Location. A sign may be in the front yard but no portion of a sign shall be closer than fifteen feet from the back of the curblane. If the property line is located more than fifteen feet from the curblane, signs shall be erected within the property line, and no portion of a sign shall extend beyond the property line.

e. Spacing. A freestanding sign must have a minimum of thirty-five feet spacing from any other freestanding sign except that a property owner may not be denied a permit for an on-premises sign solely because the sign cannot reasonably be placed to have thirty-five feet between it and a freestanding sign on adjacent property.

f. Illumination. Signs may be indirectly or internally illuminated with the light source not visible from the adjacent street or public right-of-way. No flashing or intermittent illumination shall be permitted except on electronically changeable copy signs.

2. Building Signs.

a. Number and Size.

i. Where the building frontage is forty feet or less, any number of wall, roof, projecting, awning or canopy signs are permitted, so long as the combined square footage for all such signs does not exceed two hundred square feet.

ii. Where the building frontage is more than forty feet, any number of wall, roof, projecting, awning or canopy signs are permitted, so long as the combined square footage for all such signs does not exceed two hundred square feet or forty percent of the building frontage wall space, whichever is greater.

iii. Within fifty feet of R (Residential) district, signs shall not exceed forty square feet in area.

b. Location.

i. Wall Signs. Wall signs, including canopy and awning signs, shall be erected in such a manner that building fenestration is not obscured and the architectural integrity of the building is not altered. Wall signs shall not extend beyond the edges of the structure.

ii. Projecting Signs. Double-faced wall signs must have a minimum eight feet clearance between the bottom of the sign and ground level, shall project four feet maximum from the building wall, and are not permitted at the intersection of building corners, except at right angles to a building front.

iii. Roof Signs. The face or surface must be mounted parallel with the surface of the slope of the roof, either painted or attached. A minimum two-foot border between the sign and the edges of the roof must be maintained.

iv. Canopy signs shall not extend within one foot of any edge of the width or within six inches of the height of that canopy, or extend below the canopy.

c. Illumination. Signs may be indirectly or internally illuminated with the light source not visible from the adjacent street or public right-of-way. No flashing or intermittent illumination shall be permitted except on electronically changeable copy signs.

3. Secondary Advertising Signs

F. Extension over Public Right-of-way. No type of sign shall extend over the public right-of-way, including the sidewalk, without first having obtained a special privilege license from the city council. The minimum clearance between the bottom of the sign and the ground level shall be nine feet.

APPROVED this _____ day of _____, 2005.

(Signatures on following page)

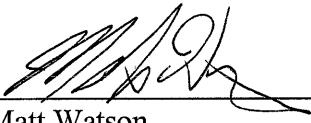
THE CITY OF EL PASO, TEXAS

ATTEST:

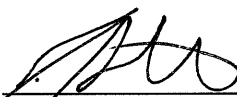
Joe Wardy
Mayor

Richarda Duffy Momsen,
Municipal Clerk

APPROVED AS TO FORM:


Matt Watson
Assistant City Attorney
Doc No. 11811

APPROVED AS TO CONTENT:


R. Alan Shubert, P.E.
Director of Building Permits & Inspections